

REMARKS

Following entry of the present amendment, claims 1-3, 5, 7, 11, 13, 15-26, 28, 29, 33, 35, and 42-46 will be pending in the present application. Claims 9, 27, and 30-32 have been cancelled without prejudice to or disclaimer of the subject matter contained therein. Applicants expressly reserve the right to file continuing applications directed to the deleted subject matter. Claims 1, 5, 7, 11, 13, 15-17, 19, 20, 29, 33, and 44 have been amended. The amendments to the claims are supported by the originally-filed claims and specification. No new matter is added by way of amendment.

The Rejections Under 35 U.S.C. §112, First Paragraph, Should be Withdrawn

A. Claims 1-3, 5, 7, 9, 11, 13, 15-28, 30-32, 35, and 44 have been rejected under 35 U.S.C. §112, first paragraph, on the grounds that these claims fail to comply with the written description requirement because the specification does not provide a description of the recited solvates and physiologically functional derivatives. Claims 9, 27, and 30-32 have been cancelled, thereby rendering the rejection of these claims moot. Applicants respectfully disagree with this rejection as applied to the remaining claims. The specification provides guidance regarding solvates and physiologically functional derivatives; see, for example, lines 11-28 of page 17. Nevertheless, in order to expedite prosecution, these terms have been deleted from the pending claims, thereby obviating the rejection.

B. Claims 1-3, 5, 7, 9, 11, 13, 15-20, 27, 28, 30-32, 35, and 44 have been rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement on the grounds that certain claim terms are insufficiently described. Claims 9, 27, and 30-32 have been cancelled, thereby rendering the rejection of these claims moot. Claims 1, 5, 7, 11, 13, 15-17, 19, and 20 have been amended to more particularly define certain substituents, thereby obviating the rejection.

In view of the above arguments and amendments, all grounds for rejection under 35 U.S.C. §112, first paragraph, have been obviated or overcome. Reconsideration and withdrawal of the rejections are therefore respectfully requested.

The Rejections Under 35 U.S.C. §112, Second Paragraph, Should be Withdrawn

A. Claims 7, 9, 11, 13, 15, 27, and 28 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite on the grounds that it is unclear which of the list of substituents listed in claim 1 these dependent claims refer to. Claims 9 and 27 have been cancelled, rendering the rejection of these claims moot. The remaining claims have been amended to clarify which substituent is intended, thereby obviating the rejection.

B. Claims 1-3, 16, 17, 27, 28, and 30 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to define the term "n" which appears in the definition of R_c. Claim 30 has been cancelled, rendering the rejection of this claim moot. The term "n" has been deleted from claim 1, thereby obviating the rejection with respect to the remaining claims.

C. Claim 5 has been rejected under 35 U.S.C. §112, second paragraph, on the grounds that it is indefinite in referring to a cancelled claim. Claim 5 has been amended to correct antecedent basis, thereby obviating the rejection.

In view of the above arguments and amendments, all grounds for rejection under 35 U.S.C. §112, second paragraph, have been obviated or overcome. Reconsideration and withdrawal of the rejections are therefore respectfully requested.

The Rejections Under 35 U.S.C. §102 Should be Withdrawn

A. Claims 30 and 31 have been rejected under 35 U.S.C. §102(b) as being anticipated by the 1989 Sigma Chemical Company Catalog. Claims 30 and 31 have been cancelled to expedite prosecution, thereby overcoming the rejection.

B. Claims 1-3, 17-20, and 29-32 have been rejected under 35 U.S.C. §102(b) as being anticipated by Grocock *et al.* as evidenced by Scailteur *et al.* Claims 30-32 have been cancelled to expedite prosecution, thereby rendering the rejection of these claims moot. Applicants respectfully traverse the rejection of claim 29 on the grounds that Grocock *et al.* do not teach a compound that anticipates the subject matter of this claim. It is further submitted that Grocock *et al.* does not anticipate claims 1-3 and 17-20 as amended.

C. Claims 1-3, 18, 30-33, 35, and 44 have been rejected under 35 U.S.C. §102(b) as being anticipated by Mansour *et al.* Claims 30-32 have been cancelled, rendering the rejection of these claims moot. Applicants respectfully traverse the rejection of claims 1-3, 18, 33, 35, and 44, either as previously presented or as currently amended. Mansour *et al.* does not teach a compound meeting all of the limitations of these claims; for example, Mansour *et al.* does not teach a compound where at least one of R¹, R², R⁴, and R⁵ are not H.

D. Claims 1, 3, 16, 30, 35, and 44 have been rejected under 35 U.S.C. §102(b) as being anticipated by Akahane *et al.* Claim 30 has been cancelled, rendering the rejection of this claim moot. Applicants respectfully traverse the rejection of claims 1, 3, 16, 35, and 44, either as previously presented or as currently amended, on the grounds that these claims do not recite that R₃ can be hydroxyalkyl as stated in the office action.

E. Claims 1, 18, and 24 have been rejected under 35 U.S.C. §102(b) as being anticipated by Honore *et al.* It is respectfully submitted that the rejection should not be applied to claims 1, 18, and 24 as amended, on the grounds that Honore *et al.* do not teach a compound meeting the limitations of these amended claims.

F. Claims 1, 18, and 25 have been rejected under 35 U.S.C. §102(b) as being anticipated by Gottschlich *et al.* It is respectfully submitted that the rejection should not be applied to claims 1, 18, and 25 as amended, on the grounds that Gottschlich *et al.* do not teach a compound meeting the limitations of these amended claims.

G. Claims 1-3 and 16-18 have been rejected under 35 U.S.C. §102(e) as being anticipated by Annis *et al.* It is respectfully submitted that the rejection should not be applied to claims 1-3 and 16-18 as amended, on the grounds that Annis *et al.* do not teach a compound meeting the limitations of these amended claims.

In view of the above arguments and amendments, all grounds for rejection under 35 U.S.C. §102, have been obviated or overcome. Reconsideration and withdrawal of the rejections are therefore respectfully requested.

The Rejections Under 35 U.S.C. §103 Should be Withdrawn

Claims 1, 18, 21-23, and 26 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Ugarkar *et al.* Applicants respectfully traverse this rejection as applied to these claims in either their previously-presented or currently-amended form for the reasons described below.

Ugarkar *et al.* teach deoxyribofuranosyl-linked pyrrolopyrimidines substituted with 2 phenyl rings, where the phenyl rings are substituted with halogen and/or cyano. The Office Action does not set forth any rationale that would lead one of ordinary skill in the art to modify the adenosine kinase inhibitors taught by Ugarkar *et al.* to produce the androgen receptor modulators recited in the present claims. In particular, no rationale has been given for replacing the phenyl-substituted deoxyribofuranosyl-linked pyrrolopyrimidine core taught by Ugarkar *et al.* with any of the substituents set forth for R⁹ in claim 1. Accordingly, no *prima facie* case of obviousness has been established.

In view of the above arguments and amendments, all grounds for rejection under 35 U.S.C. §103, have been overcome. Reconsideration and withdrawal of the rejection are therefore respectfully requested.

The Double Patenting Rejections

A. Claims 1-3, 16-20, 30, 32, 35, and 44 have been provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-3 and 6 of copending Application No. 11/911,537. The rejection is provisional as the cited claims have not yet been patented. Accordingly, Applicants will address the rejection at such time as the present claims are deemed otherwise allowable.

B. Claims 1-3, 16-20, 30, 32, 35, 43, and 44 have been provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 and 20 of copending Application No. 10/598,508. The rejection is provisional as the cited claims have not yet been patented. Accordingly, Applicants will address the rejection at such time as the present claims are deemed otherwise allowable.

CONCLUSION

It is believed that the current application is now in condition for allowance. Early notice to this effect is solicited. If, in the opinion of the Examiner, an interview would expedite prosecution, the Examiner is invited to call the undersigned.

Respectfully submitted,

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